

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

FEBRUARY 4, 2014

The following is a summary of the February 4, 2014 Meeting:

- I. Meeting called to order at 9:15 AM by Randy Moore, Chairman. Members present were Randy Moore, Gerald Kendrick, Ricky O'Quinn, Phillip Hale and Douglas Deel. Also present were Mary Gibson, Regulatory Boards Administrator, and Karri Atwood, Sr. Assistant Attorney General.**
- II. Opening statement delivered by Randy Moore, Chairman. Mr. Moore welcomed Karri Atwood on her initial representation to the Board from the Office of the Attorney General.**
- III. Motion made and seconded to accept February 4, 2014, meeting agenda and approve January 7, 2014, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

V. Open Agenda

In follow-up to the Board's recommendation from the January, 2014 meeting, Ms. Gibson, Board Administrator, provided the draft of a letter which will be presented to clients and signed by them signifying their understanding of stipulation that the second noncompliance with random drug screening will result in revocation of certifications for at least 90 days pending reappearance before the Board. The letter will become a part of the client's file. Motion was made and unanimous vote taken to approve the letter.

The Board reviewed current experience requirements for the First Class Mine Foreman (underground) certification for current practicality. The Board reviewed the law statute governing the experience requirement in

order to substantiate approval of specific experience submittals. After discussion, the Board approved experience for Mine Safety and Health Administration (MSHA) employees who possess an Authorized Representative card from the agency. Chief Moore stipulated that the Division of Mines will define the individual's MSHA experience submittal in a letter to the MSHA District Manager on which he will authorize the MSHA experience. The letter will become a part of the individual's certification file.

The Board also interpreted the law to require at least two years of underground mining experience when granting approval of three years experience for a degree in mining engineering from an approved four year college, and in the case of the Surface Foreman certification, two years of surface experience. Ms. Gibson will add the applicable wording to the First Class Mine Foreman and Surface Foreman Requirement Sheets to reflect the Board's comments on allowance of time for four year mining engineering degrees. These requirement sheets will be presented to the Board at the March 4, 2014 meeting, for review and further comments.

The Board recommended that a future statute change allow for approval of electrical and maintenance engineering degrees in lieu of three years of experience since these degrees highly qualify individuals.

VI. Next Meeting

Next meeting will be March 4, 2014.

VII. Adjournment

Meeting adjourned at 12:15 PM.